

### **REMARKS**

Claims 1-18 are pending in this application, with claim 1 being the independent claim. Claims 1-6 and 8-18 have been amended. No new matter has been added and no new issues are raised by this response.

In the Office Action dated June 18, 2008, claims 1-8 and 14-18 are rejected under 35 U.S.C. §102(b). Claims 9-13 are rejected under 35 U.S.C. §103(a). Applicant respectfully traverses the outstanding rejections to the claims.

### **Examiner Interview**

Applicant thanks Examiner Nguyen for conducting an interview with Applicant's undersigned representative on November 5, 2008. The subject matter of the claims were discussed as well as the application of the cited references. The arguments set forth below summarize those presented in the interview. Applicant also submits herewith amendments believed to address concerns about the scope of the claims raised by the Examiner.

### **Drawings**

The Office Action is silent as to the acceptance of the drawings filed with this application. Applicant respectfully requests that the Examiner indicate in the next official communication whether the drawings are accepted.

### **Rejections under 35 U.S.C. §102.**

In the Office Action, claims 1-8 and 14-18 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 7,164,936 issued to Heatley (hereinafter referred to as "Heatley"). Applicant respectfully traverses this rejection.

Independent claim 1 recites "establishing a telephonic connection between a caller and a call recipient." The Office Action asserts that Heatley, Abstract and column 2, lines 1-5, discloses establishing and/or requesting a telephonic connection and/or a call between a caller and a call recipient. Applicant respectfully disagrees. Heatley's Abstract describes setting a flag in a user profile, and sending a message to a caller based upon the setting of the flag. Heatley column 2, lines 1-5, describes sending to a calling user's telephone data

concerning a called user. Neither of these sections addresses the establishment, or request for establishment, of a telephonic connection. Therefore, the cited sections of Heatley cannot disclose or suggest “establishing a telephonic connection between a caller and a call recipient.”

Claim 1 further recites “initiating a transaction in response to receiving the command signal other than a standard call connection transaction, the transaction affecting billing for the telephonic connection.” The Office Action asserts that Heatley, column 4, lines 53-58, discloses initiating a service to the caller and/or the call recipient, or initiating a transaction between the caller and the call recipient in response to receiving the command signal other than a standard call connect and/or disconnect command. Applicant respectfully disagrees. Heatley column 4, lines 53-58, as set forth in the Office Action, discloses “The HLR 56 is a database which stores user-specific information relevant to the provision of telecommunications services and identifying whether a given teleservice or bearer service can be provided for a user, and also containing user preferences defining how the user wishes the network to handle calls.” As would be readily appreciated by one skilled in the art, a database storing user-specific information about telecommunication services is not the same as initiating a transaction in response to receiving the command signal other than a standard call connection transaction. Moreover, this section of Heatley does not disclose transactions that affect the billing for a telephonic connection.

Because Heatley does not disclose or suggest each and every element of claim 1, the Examiner has not shown that Heatley anticipates the subject matter of claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §102(b).

In view of the traverses set forth above with respect to claim 1, Applicant believes that all claims, including those claims dependent from claim 1, are in condition for allowance without further traversals. However, as set forth below, Applicant has chosen selected dependent claims to respectfully highlight to the Examiner that the cited references, either alone or in combination, do not teach or suggest the subject matter of the claimed inventions. By including such additional traversals, Applicant is not conceding that the rejection of the independent claims is somehow proper, nor is it conceding that by failing to include a

traversal to one of the dependent claims, that the rejection of that particular claim by the Examiner is proper.

Claim 4 recites “transmitting a prompt indicating a request to provide the command signal.” The Office Action asserts that Heatley, column 1, lines 30-35, and column 2, lines 34-39, discloses prompting the caller and/or the call recipient to provide the command signal. Applicant respectfully disagrees. Heatley column 1, lines 30-35 describes sending a command causing a telephone to enter a predetermined menu function based upon an indication of a condition in a user profile. Heatley column 2, lines 34-39 describes a similar aspect of Heatley. Neither of these sections address prompts that may be used to indicate a request for a caller or call recipient to provide a command signal. Therefore, the cited sections of Heatley cannot disclose or suggest “transmitting a prompt indicating a request to provide the command signal.” Because Heatley does not disclose or suggest each and every element of claim 4, the Examiner has not shown that Heatley anticipates the subject matter of claim 4. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 4 under 35 U.S.C. §102(b).

Claim 7 recites “wherein the command signal is issued by the caller prior to the call connect command.” The Office Action asserts that Heatley, column 8, lines 12-14, discloses this element. Applicant respectfully disagrees. As noted in the office action, the cited section of Heatley recites “the name of the called party is sent in the Phone Book Update command signal, and stored by the control unit 26 in readiness for use in this procedure.” This section of Heatley makes no reference to when a command signal is issued. Therefore, the cited sections of Heatley cannot disclose or suggest “wherein the command signal is issued by the caller prior to the call connect command.” Because Heatley does not disclose or suggest each and every element of claim 7, the Examiner has not shown that Heatley anticipates the subject matter of claim 7. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 7 under 35 U.S.C. §102(b).

Claim 8 recites “wherein the command signal is appended to a dialed telephone number.” The Office Action asserts that Heatley, column 8, lines 12-14, discloses wherein the command signal can either be prefixed or postfixed to the call recipient's directory and/or dialed telephone number. Applicant respectfully disagrees. As noted above, this describes sending a called party's name in a Phone Book Update command and storing the name on a

control unit. This section of Heatley makes no reference to appending or attaching a command signal to a telephone number. Therefore, the cited sections of Heatley cannot disclose or suggest “wherein the command signal is appended to a dialed telephone number.” Because Heatley does not disclose or suggest each and every element of claim 8, the Examiner has not shown that Heatley anticipates the subject matter of claim 8. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. §102(b).

Claim 14 recites “wherein the command signal is received from a telephone, and wherein the telephone, upon activation of a biometric trigger, transmits the command signal.” The Office Action asserts that Heatley, column 4, lines 49-52, wherein the command signal is provided using a biometric trigger, based on either voice and/or fingerprint recognition. Applicant respectfully disagrees. The cited section of Heatley describes a voicemail system connected to an exchange system. As would be readily recognized by one skilled in the art, this is not the same as generating or providing commands through biometric triggers. Therefore, the cited section of Heatley do not disclose or suggest “wherein the command signal is received from a telephone, and wherein the telephone, upon activation of a biometric trigger, transmits the command signal.” Because Heatley does not disclose or suggest each and every element of claim 14, the Examiner has not shown that Heatley anticipates the subject matter of claim 14. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 14 under 35 U.S.C. §102(b).

Claim 15 recites “wherein the command signal comprises an audio tone transmitted from a mobile telephone.” The Office Action asserts that Heatley, column 1, line 25 and column 2, line 15 discloses wherein the command signal comprises audio tones and/or data signals and/or signals. Applicant respectfully disagrees. The cited sections of Heatley merely disclose that calling line identity and a dialed destination number may be retrieved from signaling data. As would be readily apparent to one skilled in the art, this is not the same as a command signal that is an audio tone. Therefore, the cited sections of Heatley do not disclose or suggest “wherein the command signal comprises an audio tone transmitted from a mobile telephone.” Because Heatley does not disclose or suggest each and every element of claim 15, the Examiner has not shown that Heatley anticipates the subject matter

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of claim 15. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 15 under 35 U.S.C. §102(b).

Applicant acknowledges that the Office Action establishes additional grounds for rejection of the remaining claims, all of which are dependent upon claim 1, either directly or indirectly. However, in view of the amendments and traversals set forth with respect to independent claim 1, Applicant believes that all such dependent claims are in condition for allowance, rendering the rejection of those claims moot. Applicant believes that this response completely and accurately addresses all grounds of rejection. Applicant reserves the right to challenge the rejection of any of those dependent claims in any future response that may be forthcoming.

### **CONCLUSION**

In view of the foregoing, Applicant respectfully submits that this application, including claims 1-18, is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

Date: December 17, 2008

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